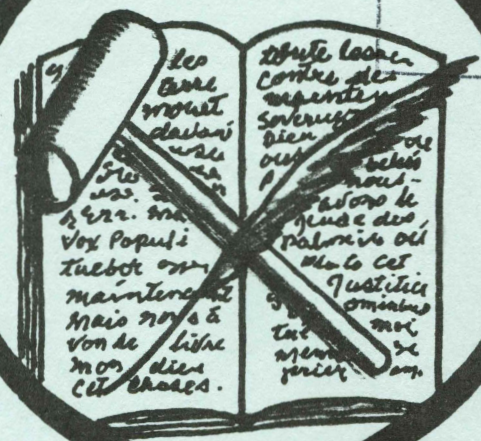


FEB 1 1977



**Activities of
Lt. Governor William C. Phelps
Missouri Ombudsman
1976-77**

COVER STORY

The magnifying glass is the tool of an examiner, one who wishes to know truth's smallest details. Here it implies that the ombudsman professes that same diligence and keen interest in the facts.

The tome depicted conceals two legends — one on either side of the central dividing line as to keep proper balance. The legend on the left says "The voice of the people, I will defend." That on the right says "Justice for all."

The plume denotes the constitutional charter. The gavel indicates the law to enforce the charter and the harmonious counterpoise between government and the governed.



OFFICE OF
THE LIEUTENANT GOVERNOR
JEFFERSON CITY, MISSOURI
65101

WILLIAM C. PHELPS
LIEUTENANT GOVERNOR

(314) 751-2421

TO: All Department and Division Directors

After three years as Missouri's Ombudsman, I am firmly convinced of the need for such a program in this state.

Over the three year period my office has handled 3,446 complaints or requests for information. In the 1975-76 fiscal year, 1,273 cases were received.

The caseload is 10% less than the second year of the program, due to your efforts in implementing state reorganization of executive agencies. However, the citizen should have access to an ombudsman to protect the individual from the problems that do occur.

The resolution of complaints and dissemination of needed information to those 1,273 people could not have occurred without the continual support and cooperation of your agencies.

I appreciate your cooperation and commend your effort.

A handwritten signature in black ink, reading "William C. Phelps".

William C. Phelps
Ombudsman

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Chapter I

THE OMBUDSMAN CONCEPT

Because the ombudsman concept is relatively new in the United States, a brief explanation of its development is necessary before specific information about the 1975-76 activities can be understood. The ombudsman concept is of Swedish origin and dates back to 1809. In that year, the Swedes established a "Parliament's Agent of Justice" as a counterweight in the balance of power, whereby both the king and parliament controlled the administration of justice — primarily through the judges and police. Finland followed this lead when it gained independence in 1919.

The purpose of an ombudsman is twofold: (1) to receive and investigate citizen grievances, and (2) improve the quality of public administration. Upon request, the ombudsman investigates citizen complaints, and if justified, he makes recommendations for their correction. Additionally as citizen's aide, the ombudsman will inform citizens of the proper agencies for consideration of specific problems. As American governments have become increasingly more complicated, the need became apparent for assistance to individual citizens to help them avoid the frustrations of bureaucracy.

Webster's Third New International Dictionary defines "bureaucracy" as 1: the whole body of nonelective government officials... 2: systematic administration characterized by specialization of functions, objective qualifications for office, action according to fixed rules, and a hierarchy of authority 3: a system of administration marked by constant striving for increased functions and power, by lack of initiative and flexibility, by indifference to human needs or public opinion and by a tendency to defer decisions to superiors or to impede action with red tape.

In establishing an ombudsman program, care should be taken to insure that more bureaucracy is not added to fight bureaucracy. In order to avoid being classed as another "bureaucracy" the

ombudsman should be an elected official who is directly responsible to the people. Ideally, the officer should not have specialized functions or fixed rules of procedure. His system of administration must be marked by freedom of initiative and flexibility. Above all, the ombudsman must be sympathetic to human needs and public opinion.

In recent years the United States has adapted the ombudsman concept from Scandinavia to conform to our system of separation of powers of the three branches of government. This adaptation has resulted in a difference of opinion whether an ombudsman can be most effective in the executive or legislative branch in this country.

Some believe that anything other than the pure Swedish concept is inferior and that only a legislative ombudsman can serve the citizen. Authorities on the subject have documented evidence to the contrary, however. Alan J. Wyner, Department of Political Science, University of California, Santa Barbara, a leading authority, stated in his book, Executive Ombudsmen in the United States, that "The executive Ombudsman office should not be viewed as a perversion or distortion of the Ombudsman idea, but rather as a variation of it, and possible combination with it, presenting slightly different congeries of advantages and weaknesses. Either the executive or the classical versions alone, and both together, are effective devices to redress individual grievances and to improve the quality of administration."¹

A legislative ombudsman is appointed or hired by a legislative body either directly or indirectly. An executive ombudsman is usually either appointed by executive order of the Governor or assumed by an elected official. Some ombudsmen are established in the executive branch by law and appointed by the Governor.

¹Wyner, Alan J., Executive Ombudsmen in the United States, (e.g., 2nd ed.; California: Institute's Ombudsman Activities Project, 1973), p 314.

Chapter II

HISTORY OF THE OMBUDSMAN IN MISSOURI

In the United States, the trend is toward executive rather than legislative ombudsmen. Approximately twenty states have adopted some form of state ombudsman service, of which only three — Hawaii, Nebraska and Iowa — are legislative ombudsmen.

Other Lt. Governors have established or are considering the program for their states.

The concept of an elected state official serving as ombudsman is logical because the appointed system renders the ombudsman responsible to that individual or body which appoints him and not the citizenry. The office of Lt. Governor of Missouri is ideally suited to serve as the office of citizen complaints because it:

1. is elected by all the voters of the state and thus is responsible only to the public at large, rather than an appointing authority.
2. is not limited to specific duties and therefore does not suffer from the lack of flexibility.
3. has the prestige as the second highest elected official in the state through which the respect and cooperation of an agency is enlisted.
4. can function as ombudsman at the lowest possible cost to the taxpayer because the existing office and staff is utilized together with student interns.

In addition to his duties as ombudsman, Lt. Governor William C. Phelps serves by appointment of Governor Christopher S. Bond as State Volunteer Coordinator, State Director of the Loaned Executives Action Program (LEAP), Chairman of the Governor's Conference on Education, Chairman of the Governor's Council on Community Affairs, and State Coordinator for Major Disasters. By statute, the Lt. Governor serves as a member of the Board of Public Buildings. Under the Constitution, he serves as Acting Governor when the Governor is away from the state and as presiding officer of the Senate.

During his 12 years of service as a member of the Missouri House of Representatives, Phelps realized that many citizens lack familiarity with the administrative structure and procedures of state government and often do not know how to effectively pursue a problem to its solution. As a legislator he had co-sponsored bills which would have created an ombudsman for the state, but they failed to receive sufficient support for passage.

Upon his election as Lt. Governor in 1972, the ombudsman concept became part of Phelps' plan to expand the operation of the office on a full time basis. Since the duties as President of the Senate and specific statutory duties of the Lt. Governor did not require full time service, the office could handle citizen complaints without any substantial additional expense through full utilization of the office.

Phelps formally announced his intention to serve as ombudsman in February, 1973 stating "there is a need for a visible ombudsman for citizens who request help — one that responds to needs, not pressure."

After examining other programs, Phelps concluded that enforcement or subpoena powers which were embodied in the various legislative proposals were not essential to a successful ombudsman program. His office could obtain necessary cooperation from the agency directors and the open records law will provide sufficient access to records, Phelps said.

On July 11, 1973, Lt. Governor William C. Phelps voluntarily assumed the role of state ombudsman to provide a vital service to people. Phelps outlined the areas within the jurisdiction of the ombudsman as follows:

1. Investigate a complaint concerning inaction or improper action of an administrative agency or employees of the state government.

2. Enlist the cooperation of an agency if an investigation shows that a mistaken, unfair or arbitrary action has occurred or there has been no action when action was justified.
3. Request timely response to the complaints.
4. Perform a personal service in a totally independent, and where appropriate, confidential manner.
5. Answer questions relating to government at any level in cases in which a person does not know where or to whom his questions should be directed.

Through this service, Phelps believes that the individual citizen can be benefited and hopefully the citizen's faith in our system restored. Also, it will improve state services by identifying for the Governor and the appropriate department director, the problem areas of the executive department. Phelps also listed several areas not open to an ombudsman:

1. He cannot investigate actions of local government, such as cities and counties, or the federal government.
2. Acts of the legislature and the Governor are not a matter of his jurisdiction.
3. Courts and quasi-judicial agencies in which parties are represented by attorneys are necessarily independent of his inquiry.
4. Action between private parties and not involving agencies of state government are not within his jurisdiction.
5. Personnel decisions regarding the hiring and firing of state employees are not within his jurisdiction.
6. He cannot accept any money, favors, gifts or any other form of payment for services rendered in connection with his ombudsman responsibilities.

Even though it may be beyond his jurisdiction, the ombudsman attempts to inform appropriate local or federal government officials of any complaint related to their unit of government so that consideration of the problem can be given by the appropriate officials. He also becomes an advocate for change or repeal of a rule or regulation of an agency which is discovered as a result of his investigation to be unreasonable or oppressive.

The unique differential in the Missouri ombudsman program is its emphasis on youth. The Lt. Governor enlists highly qualified students who show a genuine interest in political science or public administration to serve as interns in the program. The student interns receive college credit and obtain a keen perspective of state government not found in any classroom. With supervision by Phelps, and his staff, they work directly upon real problems of state government. Their valuable assistance enables the ombudsman to give personal attention to recommended solutions for each inquiry.

Chapter III

THE OFFICE IN OPERATION

CASES HANDLED PER MONTH

Due to computerization, the caseload data per month is available for analysis. It illustrates that the number of cases per month is seasonal. More people contact the Ombudsman during the summer and fall in each year of the program.

The caseload doubled from the first to the second year of the program. Very early into the third year, it appeared that the figures would double again.

Instead, the total caseload is down 127 cases in the third year compared to the second. Several factors may have contributed to this leveling caseload.

A possible answer is the impact of state reorganization on state agencies and their ability to administer state government in a more effective manner.

In 1974, the executive administrative agencies of state government were reorganized from 440 separate agencies to 14 departments under the direct jurisdiction of the Governor. This reorganization was authorized by the people of Missouri in a Constitutional Amendment in 1972.

It appears that due to a more direct line of authority and accountability the state bureaucracy is forced to be more responsive to the needs of the citizen. Agency personnel have a better idea of who should be held responsible for a given task and the public may have a better idea of who should be contacted about a problem. Other data points to the possible impact of reorganization — see section — "Nature of Complaints".

The following is a breakdown by month with the number and percentage of cases per month.

CASELOAD PER MONTH

	Number	Percentage
July	141	11.07
August	116	9.12
September	121	9.50
October	115	9.09
November	63	4.95
December	90	7.08
January	110	8.64
February	84	6.60
March	110	8.64
April	98	7.70
May	95	7.46
June	130	10.21
TOTAL	1273	100.00

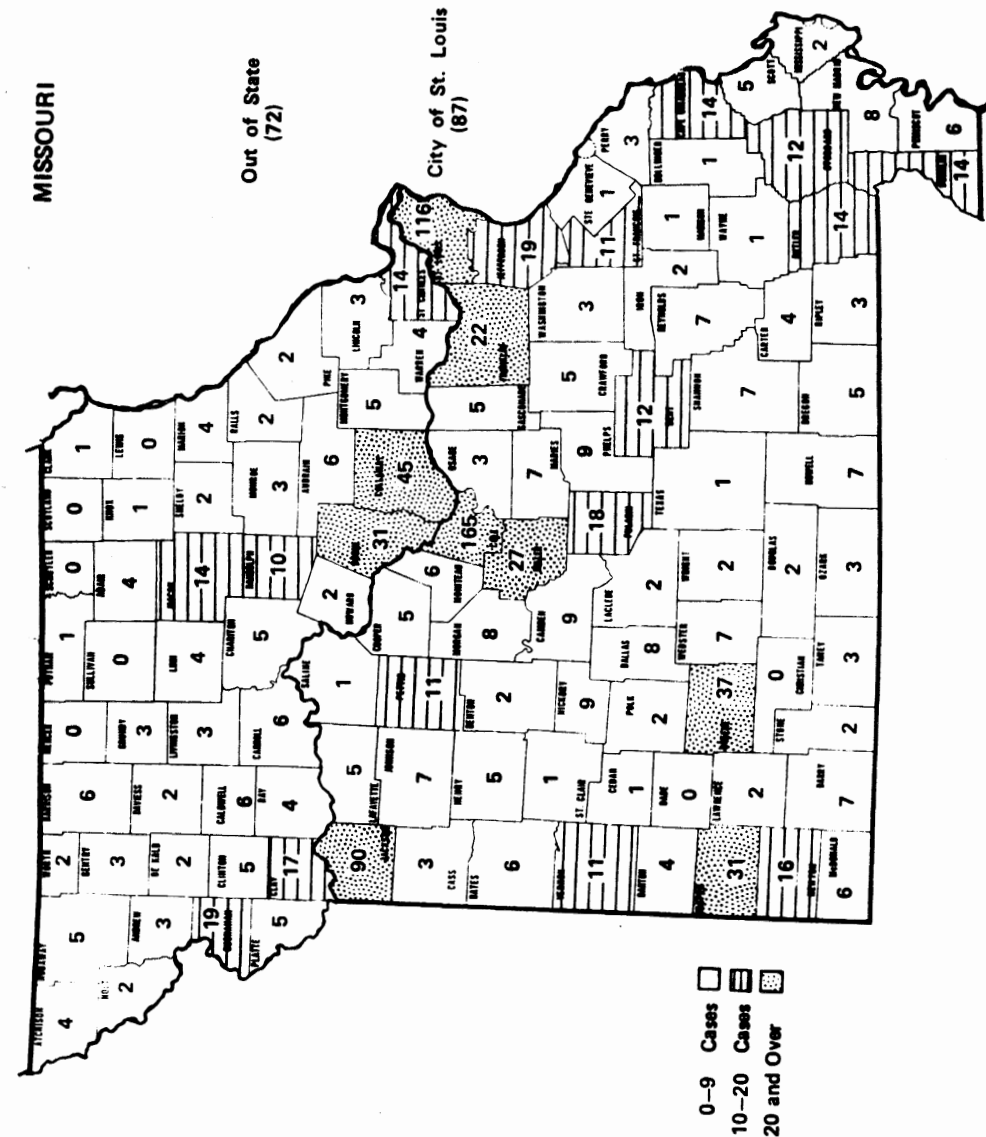
CASE DISTRIBUTION BY COUNTY

Over the past three years, cases have been received from 113 of the 114 Missouri counties. During the third year, complaints have been received from 107 counties.

Greater St. Louis produced 203 cases or 15.9% and the Kansas City, Jackson County area was responsible for 112 cases or 8.8%. Nearly one out of every four cases originated from the metropolitan areas.

Cole County, the home of the State Capitol, produced 165 cases or 13% of the entire caseload during the program's third year.

In addition, 72 complaints or 5.7% of the complaints and inquiries have been received from out-of-state. (The following map indicates the cases originating from each county and depicts the areas producing the bulk of cases.)



HOW THE OMBUDSMAN IS CONTACTED

LETTER

In the past, the majority of cases were received by letter; 58% in the first year, 54% in the second year. However, in the third year of the program 44%, or 557 of the contacts, were initiated with a letter. There are two advantages to written complaints and inquiries. A letter contains a more detailed explanation of the citizen's problem while permitting accessibility to the program at the lowest possible cost.

TELEPHONE

Each year the percentage of cases received by telephone has increased to a high of 50% or 637 cases in the third year.

The advantage of a citizen contacting the ombudsman by phone is to receive immediate attention to a problem.

The disadvantage is the additional cost. Because the office budget is small and limited, the ombudsman does not have an incoming toll-free telephone service and cannot accept collect calls. The state's WATS line is available for outgoing calls.

INTERVIEW

Due to the desire of some Missourians to speak directly with Lt. Governor Phelps, 6% or 76 individuals came to Jefferson City to discuss their problems.

TYPES OF CITIZEN CONTACTS TO THE OMBUDSMAN

Each of the 1,273 cases fall into the category of a complaint or a request for information.

Seventy-one percent or 899 of all cases were complaints against a federal, state, local or private entity.

Requests for information were the remaining 29% or 374 cases.

NATURE OF COMPLAINTS RECEIVED

The nature of citizen complaints and requests for information has been analyzed in twenty-five categories. Many complaints fall under more than one category and clearly illustrate the need for improved communication at various levels of government.

Because each case can fall under as many as three categories, the total is larger than the actual number of cases — an inflated figure. Therefore, the number of cases and percentages are based on a total of 1,741.

Another argument for the positive effects of state reorganization is observed in this section.

During the second year of the program the primary reasons for complaints were: (1) communication breakdowns between the agency and citizen, (2) administrative mix-ups or failure of an agency to administer their own rules, (3) the citizen's lack of available information, (4) the citizen's protest of a federal, state, or local agency decision, (5) the citizen's desire for financial assistance.

The reasons for complaints dramatically changed in the third year. The main reasons were: (1) the citizen's protest of a federal, state, or local agency decision, (2) a request for an investigation, primarily judicial, (3) the citizen's lack of available information, (4) communication breakdowns between the agency and citizen, (5) consumer complaints.

Even though federal and local complaints constituted only 20.5% of the total cases, 38.2% of the protests of agency decisions and 42.2% of requests for investigation were to federal and local entities.

The problem of communication breakdowns fell from first to fourth position and administrative mix-ups moved from second to eighth in the past year. State reorganization brought agencies under better administrative control and enabled the agencies to reduce errors and improve the dissemination of information to the citizen.

The following chart depicts the broad scope of problems handled by the Ombudsman.

THE NATURE OF COMPLAINTS RECEIVED

	Number of Cases	Percentages
Administrative Mix-up	69	3.96
Business Interest	56	3.22
Communications Breakdown	145	8.33
Consumer Protection	170	9.76
Desires Financial Assistance	134	7.70
Desires Forms and Applications	26	1.49
Desires Increased Subsidy	57	3.27
Desires Legal Assistance	62	3.56
Desires Legislative Information	26	1.49
Desires Rule or Law Change	23	1.32
Desires Scheduling Information	4	.23
Desires Statutory Information	59	3.39
Discrimination	18	1.03
Election Matter	—	—
Employment or Personnel	82	4.70
Lack of Available Information	182	10.45
Matter of Litigation	57	3.27
Natural Resource Problem	19	1.09
Personality Dispute	15	.86
Protests Agency Decision	225	12.93
Public Works Problem	67	3.84
Requests Investigation (legal/agency)	185	10.64
Resource Shortages	5	.29
Irrational Complaint	24	1.39
Unclassified Complaint	31	1.79
TOTAL	1741	100.00

AGENCIES CONTACTED BY THE OMBUDSMAN

The three state executive departments most frequently contacted concerning complaints and information requests were the Department of Social Services, Department of Consumer Affairs, Regulation and Licensing, and the Department of Revenue. These were the most frequently contacted departments in the second year, also. These departments have more direct contact with the public than other departments.

The most dramatic decrease was the number of complaints concerning the Department of Revenue from 265 to 111 or 33% to 18.6%.

The following charts provide statistical data about the federal, state, local and private agencies contacted. (For detailed information on the division and units contacted within each department of state government and the various federal agencies contacted by the ombudsman, see Appendix.)

BREAKDOWN OF AGENCIES CONTACTED BY THE OMBUDSMAN

	Number of Cases	Percentage
Federal Agencies	119	14.6
State Executive Officers	50	6.1
State Executive Agencies	597	73.3
Local Government Agencies	48	5.9
Subtotal	814	100.0
State Legislature	23	
State Supreme Court	1	
Omnibus	63	
Missouri Bar Association	8	
No Agency Contacted	291	
No Jurisdiction	53	
No Agency Listed	20	
TOTAL	1273	

BREAKDOWN OF CASES INVOLVING STATE EXECUTIVE AGENCIES

	Number of Cases	Percentage
Office of Administration	33	5.5
Department of Agriculture	3	.5
Department of Conservation	5	.8
Department of Consumer Affairs Regulation and Licensing	112	18.8
Department of Elementary and Secondary Education	10	1.7
Department of Higher Education	29	4.9
Department of Highways	20	3.3
Department of Labor and Industrial Relations	58	9.7
Department of Mental Health	10	1.7
Department of Natural Resources	22	3.7
Department of Public Safety	15	2.5
Department of Revenue	111	18.6
Department of Social Services	164	27.5
Department of Transportation	<u>5</u>	<u>.8</u>
TOTAL	597	100.0

WHO BENEFITS FROM THE SERVICE

The ombudsman program is designed for the general public unfamiliar with the red tape of bureaucracy. The following data describes the occupational groups of citizens who need and benefit from the service. Because this information is not requested when a citizen contacts the office, the data represents only 814 cases from a total caseload of 1,273.

Housewives, white-collar workers, retired persons, and the unemployed represent the largest percentage of known occupational classifications of people using the ombudsman.

Citizens representing the blue-collar, clerical workers, farmers, the self-employed, students, and others have contacted the ombudsman for assistance. The percentage of farmers, and clerical workers contacting the ombudsman has doubled in the past year with the percentage of other groups remaining much the same. (See the following chart)

BREAKDOWN BY OCCUPATION

	Number	Percentage
Farmer	30	3.67
Housewife	104	12.80
Blue-collar	81	9.95
Self-employed	65	7.99
White-collar	191	23.45
Retired	107	13.15
College Student	54	6.63
Unemployed	132	16.22
Clerical	33	4.05
Other	<u>17</u>	<u>2.09</u>
TOTAL	814	100.00
Missing	<u>459</u>	
	1273	

WHY PEOPLE CONTACTED THE OMBUDSMAN

APPEARANCES

While making public appearances around Missouri, Lt. Governor Phelps has responded to many questions about the ombudsman program and received complaints and inquiries. These appearances have helped to foster the public's awareness of the program's existence.

LEGISLATIVE REFERRALS

Members of the Missouri General Assembly referred 20% of the total caseload to the Ombudsman.

By cooperating with legislators to aid constituents with problems and questions concerning executive agencies, the legislator is freed to concentrate on pending legislation.

MEDIA

The use of newspapers, radio, and television has facilitated public awareness of the program.

In order to further inform Missouri citizens about the service of the ombudsman, an Ombudsman Report is written monthly and sent to daily and weekly newspapers in Missouri.

Since August, 1974, these reports have continued to make Missouri citizens aware of typical complaints resolved by Lt. Governor Phelps and provide information on how a citizen can contact the Ombudsman. From July, 1975 to June, 1976, the Ombudsman Report has been published a total of 170 times to reach a total circulation of 712,224 readers.

In the first six months of 1975 the Ombudsman Report was printed 56 times, while in 1976 the report was published 83 times. Missouri citizens continue to be better informed of the services of the Ombudsman.

The following chart depicts the known reasons why citizens contacted the office. Because this information is not requested when a citizen contacts the office, this data represents 240 cases out of 1,273.

WHY CITIZENS CONTACT THE OMBUDSMAN

	Number of Cases	Percentage
Personal Appearance	30	12.50
Citizen Complaint Session	2	.83
Newspaper Article	31	12.91
Radio	7	2.92
Television	5	2.09
Other	116	48.33
Legislative Referral	49	20.42
	<u>240</u>	<u>100.00</u>
Missing	1033	
	1273	

Chapter IV

PROPOSALS AND RECOMMENDATIONS

PROPOSALS AND RECOMMENDATIONS MADE BY THE OMBUDSMAN

As part of his responsibilities as Ombudsman, the Lt. Governor has made proposals, recommendations, and requests for re-evaluation of rules and regulations. The proposals are the direct result of citizen inquiries and bring to the attention of the federal, state, local or private agency positive recommendations from the Lt. Governor for improving service to the citizens of Missouri.

Lt. Governor Phelps has recommended alterations in administrative policy and has initiated investigations involving large groups of citizens. The following are examples of the ombudsman's activities in these areas.

ADMINISTRATIVE POLICIES OF STATE AGENCIES

When a citizen protests a policy or regulation of an agency of state government, the ombudsman is in an unique position to study that policy or regulation and recommend to the agency possible needed changes.

In his first recommendation as ombudsman, Lt. Governor Phelps proposed the elimination of regulations for the installment of institutionalized equipment including a fire alarm system for potential single family foster homes for retarded children. He contended that the cost of such requirements discouraged middle income families from providing care for such disadvantaged children.

In Missouri, the Division of Youth Services often has the responsibility for placement in foster homes of delinquent children remanded from the juvenile court. The Division of Family Services places abandoned or disadvantaged children in foster homes. To provide quicker placement and better care of these youngsters, the Lt. Governor suggested a procedural change to coordinate potential foster home lists between the two divisions where possible. This procedure has been instituted.

Through a citizen complaint, the ombudsman discovered that eight state institutions of higher education in Missouri were not in compliance with federal admissions policy requirements intended to prevent discrimination on the basis of a student's sex. The Lt. Governor discussed the inconsistency with each of the institutions and the schools are now complying with the federal requirements.

The ombudsman initiated investigations that have resulted in the Department of Agriculture more strictly monitoring, in conjunction with county prosecutors, state statutes relating to health hazards resulting from dead animals; and he requested and was granted extension of regulations regarding milk processing, in order to allow small farmers time to bring their operations into compliance with state and federal regulations.

Frequently, problems involving large groups of people are brought to the ombudsman for investigation. Complaints were received from nursing home patients and employees asking for an investigation of the health care standards in several homes around the state. After the ombudsman requested inspections by state authorities, several nursing homes with sub-standard care were decertified, eliminating state funds for keeping patients under public assistance programs, or have lost their license for operation and ordered closed until operations are upgraded to provide adequate care.

Because Lt. Governor Phelps is acutely aware of the value of volunteer experience in his role as State Volunteer Coordinator; he, as ombudsman, has requested that volunteer experience be listed on applications for employment under the state merit law. He further indicated that volunteer experience should receive equal weight to paid experience for the same work in the same field. The Missouri Division of Personnel agreed, and the application form has been revised to include volunteer experience.

FEDERAL

The federal bureaucracy is often the subject of complaints received by the ombudsman. One such complaint resulted in the challenging of regulations of the Federal Energy Administration in requiring low volume bottled gas dealers to compete on the same basis with much larger gas dealers. As a result, FEA granted exemptions from the regulations to a Missouri dealer.

PRIVATE

Consumers in Missouri occasionally turn to the Lt. Governor with problems involving private business. The Lt. Governor attempts to settle the complaint in a manner acceptable to both parties. In one such case an older couple was denied reimbursement for towing charges from their automobile service club while on a trip in a distant state. The controversy centered around an interpretation of a clause in the club guide book listing what touring services were covered. After Lt. Governor Phelps corresponded with the legal department of the club, the club agreed that the clause could be interpreted in two ways. The couple received reimbursement and a new guide has been written changing the wording of the clause in question.

LEGISLATION

The ombudsman has publicly discussed problem areas that have subsequently been remedied by legislation.

As a result of citizen complaints about the implementation by local communities of a Solid Waste Law enacted in 1972, Lt. Governor Phelps actively supported Senate Bill No. 98 which amended the original law and exempted small communities and made general requirements on the manner in which the fee could be collected. The passage of this bill greatly improved the Solid Waste Law in Missouri.

After receiving several complaints about the Missouri law which prohibited a senior citizen from receiving a tax credit if their property was held jointly with others, the Lt. Governor supported a bill that would permit senior citizens to receive a property tax refund on their residence whether or not their property is held jointly.

CONCLUSION

These examples indicate that, as Missouri's second highest executive officer, Lt. Governor Phelps is in a unique position to challenge policies and decisions of state agencies and others on behalf of Missouri citizens and gain positive results.

Chapter V

COST AND IMPACT OF THE PROGRAM

OPERATIONAL COST OF THE OMBUDSMAN PROGRAM

Prior to 1973, most Missouri Lieutenant Governors have used the non-legislative time to conduct private businesses or law practices while in office. The office of Lieutenant Governor was only a viable entity for 6-8 months of the year, yet taxpayers paid to maintain the office a full year. By establishing the office of citizen complaints in the office of Lieutenant Governor, Missourians have been spared the substantial cost of creating another bureaucracy with supporting staff, and equipment to check on the bureaucracy.

Past bills introduced in the Missouri Senate would have created an appointed ombudsman at an approximate cost to the taxpayer of \$178,000.00. Lt. Governor Phelps' total budget for operation of the entire Lt. Governor's office for fiscal year 1975-76 was \$66,128.00 which includes the Lt. Governor's constitutional \$16,000.00 salary and provides for only two full time staff members. The program is augmented by utilizing college interns and part time federal employees. This provides the service to the public at the lowest possible cost.

THE IMPACT OF THE PROGRAM

The impact of the ombudsman program has not stopped at the borders of Missouri. Since the program's inception, requests for information and advice have come from across the country.

The following contacts were made requesting information on ways to establish a program: the California Legislature-state program; Governor's Office of Volunteer Resources—Illinois state program; Action League for Handicapped Adults—Louisville, Kentucky; Rochester, New York—city program; and Norton Shores-Muskegon, Michigan—city program.

Libraries from Arizona, Arkansas, California, Indiana, Kansas, New York, North Dakota, and New Jersey requested information about the program.

Other Lt. Governors around the country have recently established or are in the process of establishing similar programs including Virginia and Ohio.

APPENDIX

**OFFICE OF LIEUTENANT GOVERNOR
OFFICIAL INQUIRY**

Case No.										Name																			
Address															Zip					County					How Contacted		Taken by		Type
Why Contacted			Occupation			Agency contacted					Nature of Complaint																		

City: _____

Telephone: (B) _____ (H) _____

SUBSTANCE OF INQUIRY OR COMPLAINT

[illegible]

ACTION TAKEN

[illegible]

FEDERAL

- A. Agriculture, U.S. Department of**
- B. U.S. Army**
 - 1. Corps of Engineers**
- C. Environmental Protection Agency**
- D. Federal Trade Commission**
- E. Health, Education and Welfare, Department of**
 - 1. Social Security Administration**
- F. Housing and Urban Development, Department of**
- G. Internal Revenue Service**
- H. Labor, Department of**
 - 1. Small Business Administration**
- I. National Park Service**
- J. Federal Energy Office**

LOCAL

STATE-EXECUTIVE

- A. Governor**
- B. Lt. Governor**
- C. Secretary of State**
- D. State Auditor**
- E. State Treasurer**
- F. Attorney General**
 - 1. Consumer Protection Division**

STATE-EXECUTIVE AGENCIES

- A. Office of Administration
 - 1. Design & Construction, Division of
 - 2. Personnel, Division of
 - 3. Purchasing, Division of
- B. Agriculture, Department of
- C.. Conservation, Department of
- D. Consumer Affairs, Regulation & Licensing,
Department of
 - 1. Arts, Council of the
 - 2. Commerce & Industrial Development, Division of
 - 3. Finance, Division of
 - 4. Human Rights Commission
 - 5. Insurance, Division of
 - 6. Professional Registration, Division of
 - 7. Public Service Commission
Public Counsel, Office of
 - 8. Savings & Loan, Division of
 - 9. Tourism Commission
- E. Elementary Education, Department of
 - 1. Special Education, Division of
 - 2. Vocational Rehabilitation, Division of
- F. Higher Education, Department of
 - 1. Colleges and Universities
 - 2. State Library

- G. State Highway Department
- H. Labor & Industrial Relations, Department of
 - 1. Employment Security, Division of
 - 2. Labor & Industrial Relations Commission
 - 3. Workmen's Compensation
- I. Mental Health, Department of
 - 1. State Hospitals and Schools
- J. Natural Resources, Department of
 - 1. Air Conservation Commission
 - 2. Clean Water Commission
 - 3. Soil & Water Districts Commission
 - 4. Solid Waste Management
 - 5. Parks and Recreation, Division of
- K. Adjutant General
National Guard
Public Safety, Department of
 - 1. State Fire Marshal
 - 2. Highway Patrol
 - 3. Liquor Control
 - 4. Missouri Law Enforcement Assistance Council
- L. Revenue, Department of
 - 1. State Tax Commission
 - 2. Transportation — Registration, Licensing, Safety
Responsibility

- M. Social Services, Department of
 - 1. Office of Aging
 - 2. Corrections, Division of
 - 3. Family Services, Division of (Welfare)
 - 4. Health, Division of
 - 5. Nursing Home Administrators, Board of
 - 6. Probation & Parole, Board of
 - 7. Veterans' Affairs, Division of
 - 8. Youth Services, Division of
- N. Transportation, Department of
- O. Legislative
- P. Supreme Court
- Q. Missouri Bar
- R. No Jurisdiction
- S. Omnibus
- T. Resolved Without Agency Contact

(The following are copies of the monthly Ombudsman Reports that were sent to all daily and weekly newspapers in the state.)

FOR RELEASE - July, 1975

Ombudsman Reports

by Lieutenant Governor William C. Phelps

EDITOR'S NOTE-

The Ombudsman has provided valuable assistance to many citizens with a wide variety of governmental problems. The following are actual case histories which have been summarized due to space limitations and edited to preserve confidentiality.

SMALL FARMERS ASSISTED

A small dairy farmer met with the Ombudsman expressing his problem in complying with a regulation of the State Department of Agriculture.

The regulation requiring milk to be at a lower temperature when it arrives at a creamery is intended to improve the quality of Missouri cheese. Small farmers could not afford to purchase the equipment needed to refrigerate this milk.

The Ombudsman contacted the Department of Agriculture which agreed to give the farmers in that area a reasonable extension of time to permit construction of a cooling station which would serve a number of farmers in the area.

SENIOR CITIZEN PROVED CORRECT

An elderly lady stated that the Department of Revenue had granted her an extension under the "Circuit

Breaker" Law to file her Missouri Income Tax Return.

The Department of Revenue had no record of an extension. The lady was asked to show evidence to prove an extension was granted.

After a year had elapsed the lady provided the Ombudsman with a copy of the extension and the matter was resolved.

BETTER SERVICE TO A CONSUMER

A housewife contacted the Ombudsman with a consumer complaint against a large exterminating company, which had improperly replaced a portion of the floor covering after exterminating her home. The company failed to make a guaranteed reinspection after one year.

The Ombudsman contacted the regional representative of the company and the company complied by reinspecting the home and making reimbursement for the damaged floor covering.

IMPROPER PENALTY CORRECTED

A Missourian had been assessed a penalty and interest because the Department of Revenue believed he had failed to pay his 4th quarter estimated sales tax. The citizen claimed

he had paid the 3rd and 4th quarters together in one check.

The Ombudsman requested the Department of Revenue to review the case. After necessary information was supplied to prove that an error had been made, the Department of Revenue reimbursed the additional charge.

RETIRED MAN OBTAINS EDUCATION

A retired gentleman was attempting to obtain a college education. A state agency denied the man any financial assistance because of his age and health.

The Ombudsman requested the agency review their policy. Upon review the gentlemen was accepted by one of our state universities and was given financial assistance in order to obtain his education. The man is doing well academically and is realizing a lifelong dream.

If you have a problem concerning state agencies or if you are unsure where to direct a request for information, write your Ombudsman, Lieutenant Governor William C. Phelps, Box 563, Jefferson City, Missouri 65101 or phone 314/751-2421.

Ombudsman Reports

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OFFICE DISCREPANCY RESOLVED

A retired lady had received conflicting information from the Social Security Administration office in Baltimore and the regional office in her attempt to obtain Social Security benefits. One office determined she was eligible and the other did not.

The Ombudsman contacted the regional office who in turn contacted Baltimore. Her file was reviewed and she was found eligible. She received full back payment.

CITIZEN GAINS INFORMATION

A former Missouri resident's Missouri drivers

license was revoked for 1 year before he left Missouri.

After the year expired he wanted to return to Missouri and regain his license even though he would not own an automobile immediately.

The Ombudsman contacted the Safety Responsibility Unit of the Department of Revenue. The individual was informed that if he did not own an automobile he could comply with Missouri's Safety Responsibility Law by obtaining a "non-owner" insurance policy with the required financial limits and file it with the agency.

GRANDFATHER RELIEVED

A grandfather contacted the Ombudsman concerned about the safety of his grandchildren, who lived with their parents in an apartment complex. The gates to the swimming pools were not working and were a hazard for small children.

The Ombudsman contacted the manager of the complex and the gates were repaired.

TAX INFORMATION OBTAINED

An elderly lady contacted the Ombudsman because she had not received a "Senior Citizen Tax Credit" from the Missouri Department of Revenue.

The Ombudsman obtained necessary information and explained to the lady that the computer had stopped her claim because a deed of record of homestead was not provided. Once that document was provided the claim could be processed and she would receive the tax credit.

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WATER PROBLEM RECEIVES ATTENTION

A lady was concerned about fibrous particles in her family's drinking water. She had contacted several people but nothing was done about the problem.

She eventually notified the Ombudsman who contacted the state agency with jurisdiction. An inspector was dispatched, the water was tested, and the problem is being corrected.

CANNING LID COMPLAINT

A Missouri homemaker contacted the Ombudsman because she learned while doing her home canning that she had purchased defective canning lids. She wanted to know how to contact the manufacturer.

The Ombudsman provided the lady with the information and the company satisfied her complaint.

If you have a complaint concerning canning lids, contact Corporation. Company, Consumer Products Division, Sand Springs, Oklahoma 74063 or the Ball Corporation, 10411 Clayton Road, Frontenac, Missouri 63131.

IMPROPER DEDUCTION STOPPED

A lady was having her monthly Medicare deduction withheld from both the Social Security disability check and her Railroad Retirement widow's pension. After several attempts to correct the error had failed, she contacted the Ombudsman for assistance.

The Ombudsman requested the Social Security Administration and the Railroad Retirement Board to review the lady's file. The error was recognized, the agency having jurisdiction was determined, the deduction was made from the appropriate account, and

reimbursement was made for the incorrect deduction.

YOUNG MAN RECEIVES CORRECT TITLE

A young man applied for a new boat motor title but the Department of Revenue never received the application.

He reapplied at a local Department of Revenue office and due to a human error in the local office, he had not obtained the title.

Upon contacting the Ombudsman, the state office was notified about the problem. Within two days, the citizen received the title.

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Ombudsman Reports

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PEOPLE ORIENTED PROBLEM SOLVING

Due to my dual roles as Statewide Volunteer Coordinator and State Ombudsman, people can be helped on a problem in both ways through the people oriented services of the Lieutenant Governor's office. The following case is an excellent example.

An elderly lady wrote the Ombudsman in desperation. She had recently broken her foot, had no transportation to doctor appointments, and had not heard from a food stamp application.

As Ombudsman, the Division of Family Services was contacted and the food stamp problem was resolved.

As Statewide Volunteer Coordinator, a volunteer organization was contacted in her community and she is now being taken to her doctor by area volunteers.

DISCOVERS MOBILE HOME HAS NO TITLE

A couple had purchased a mobile home on payments, believing that the bank held the title. When they attempted to obtain the title, they learned that none had been issued because the seller had failed to assign title to the buyer and the seller was no longer in business. They called the Ombudsman to determine what, if anything, could be done.

At the Ombudsman's request the couple was contacted by the Department of Revenue and advised concerning the proper procedure.

CITIZEN, GOVERNMENT COMMUNICATION IMPROVED

A mother contacted the Ombudsman concerning her daughter's failure to receive food stamps.

The local Family Service's office told the ombudsman that application had been withheld until papers concerning employment were supplied by the applicant.

When this was explained, the individual provided the needed information and the

application was processed to determine eligibility.

FARMER OBTAINS IMPROVED TELEPHONE SERVICE

A Missouri farmer contacted the Ombudsman alleging farmers were being charged a base rate in advance for telephone service, unlike city dwellers. He also complained that due to electrical storms, telephone lines in the community were needing repairs.

The Ombudsman contacted the Public Service Commission. Upon investigation, it was learned that the advance base rate charge was the same for city and rural dwellers. Therefore, the discrimination charge was unfounded. However, as a result of the inquiry immediate work began to repair the telephone lines.

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FOR RELEASE - NOVEMBER, 1975

Ombudsman Reports

by Lieutenant Governor William C. Phelps

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OLDER CITIZEN RECEIVES NEEDED INFORMATION

A man nearing retirement age contacted the Ombudsman because he had inquired about his retirement benefits to his local Social Security Administration office and was told he was currently ineligible but he was not given the reason.

Upon investigation it was learned that the Social Security office had inadvertently failed to send the gentleman a letter describing his insufficient number of "working quarters".

With this information, the citizen knew the number of months he would need to work to become eligible for retirement benefits.

ILLEGALITY DISCOVERED

A lady contacted the Ombudsman inquiring about the legality of a newspaper advertisement for an apartment for rent which she had recently read.

The Human Rights Commission determined that the advertisement was in violation of the Civil Rights Act and the Ombudsman placed the lady into communication with the appropriate federal authorities, the Department of Housing and Urban Development.

OUT-OF-STATE RESIDENTS RECEIVE ASSISTANCE

An out-of-state resident who pays income tax in Missouri contacted the Ombudsman in an attempt to obtain information concerning her state income tax return.

The Department of Revenue was contacted to ascertain the information which expedited receipt of the tax return.

COUPLE ENCOURAGED TO SEEK HELP

A lady was concerned about her father's and mother's-in-law inability to receive public assistance. Both were disabled and living on a very meager income.

When the local Family Service office was contacted, the Ombudsman learned that the couple had become discouraged and had not applied for benefits.

The couple was encouraged to apply and will probably be approved for benefits.

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Ombudsman Reports

by Lt. Governor William C. Phelps

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CONSUMER ASSISTED

A state employee contacted the Ombudsman concerning a bill she received for a telegram that was never received. The telegram was delivered to the mail desk of the hotel where the individual was a guest.

The Ombudsman contacted the telegraph service involved. Because the service made the decision to leave the message at the front desk and the hotel failed to deliver the telegram, the telegraph service agreed to incur the cost rather than passing it on to the consumer as was originally intended.

SOCIAL SECURITY CAR OBTAINED

An elderly Missourian contacted the Ombudsman because her purse had been stolen and she did not know how to obtain a new social security card.

The procedure for obtaining a new card was explained to her. After a few weeks had passed, the Ombudsman contacted the individual and she had received the new card.

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Ombudsman Reports

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CITIZEN RECEIVES EXPLANATION

A lady was confused concerning the amount she was receiving from Social Security Income and Missouri Supplemental Payment.

The Ombudsman contacted her local Social Security office and was informed that the individual was receiving the proper amount. With further investigation, it was learned that the confusion stemmed from an incorrect figure in a letter to the lady from the Social Security office.

DETERMINE LOCATION OF LICENSE

An individual had mailed the renewal fee for her Missouri Real Estate license but had never received the license. She contacted the Ombudsman.

The Ombudsman learned from the Missouri Real Estate Commission that the license had been mailed to the real estate company that employed the realtor. The company was contacted to verify the receipt and the individual obtained her license.

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Ombudsman Reports

by Lt. Governor William C. Phelps

The Ombudsman caseload has nearly doubled during the first two years of operation, and increasing numbers are turning to the program every day for assistance. We have worked with Missourians in various capacities in order to help them solve problems or complaints. If we come to a deadend in one area, we are always ready to try another approach to the problem if it seems possible. The Ombudsman cannot change laws or court decisions, but we can help people to understand and deal with them.

Recently a Lonedell, Missouri woman wrote: "A St. Louis radio station said you were the man to write so please do what you can do."

Her husband has been declared permanently and totally disabled by the Veterans Administration but he has twice been denied Social Security Disability. The Social Security Administration has said the disability is not severe enough. The man is not working, however, and there are five children in the home. His wife did not know what to do next. "My husband and

I both worked all our lives and paid Social Security with the understanding it was security for us when we grew old or disabled," she wrote. "I will do whatever I must do to get justice for my family."

The Ombudsman checked into the case and advised the family that the next step was to file for judicial review. The family obtained legal counsel to appeal the decision.

We then began to look for ways to further help. It was Christmas time and the parents were concerned about getting gifts for their children. We contacted the Division of Family Services, through which they were given gifts for the children, food and clothing and referred to another agency for a food basket.

If you have a problem concerning state agencies or if you are unsure where to direct a request for information, write your Ombudsman, Lieutenant Governor William C. Phelps, Box 563, Jefferson City, Missouri 65101 or phone 314/751-2421.

FOR RELEASE — March, 1976

Ombudsman Reports

by Lt. Governor William C. Phelps

New laws are constantly being approved and old laws are being revised. Citizens throughout the state are not always aware of these changes. The ombudsman program, however, has been extremely successful in answering any questions on new and revised bills.

Governor Christopher S. Bond approved a new solid waste disposal law. This act, Senate Bill No. 98, eliminates many of the objections of the law passed in 1972.

The purpose of the solid waste disposal act is to provide a system of disposing waste which is consistent with public safety and health in the larger communities of our state. The act prohibits the dumping of trash and garbage along the streets and the rural roadways, and provides a reasonable disposal system.

Since the revision, several questions came up, and many citizens did not know where to find the answers. One woman from Plattsburg, Missouri, said she had contacted several officials to get answers, but felt she was getting "the runaround".

The ombudsman was able to clear up her questions. For instance, she wanted to know if it was mandatory for all residents to use and pay for the service. Any unincorporated area in the second, third or fourth class counties is exempt, as well as cities with a population under 500. Exempt cities and counties can elect through its governing body to come under the law.

In any area subject to the law, it is unlawful for any person to dump or deposit solid waste

except in a solid waste processing facility. Thus, as a practical matter, transportation of the solid waste to the approved facility is required.

However, residents must be charged for this service separately from other service charges. One woman wrote the ombudsman to complain that the charge for her garbage pick-up was on her water bill. "When you go to pay your water bill, they won't accept it unless you pay the garbage bill," she wrote. Under the new act, the service charge must be separately stated from any other charge. The city or county is not allowed to withhold any other utility service for failure to collect the solid waste disposal bill.

Several wrote to ask if a flat rate per resident is required. Under both the old and new law, the amount of the fee is not fixed by law. The rate is left to the discretion of the local governing body. Some jurisdictions have chosen the flat fee basis, while others have varied the charge based on the number of occupants in the household.

Also, under the new law, the city must provide the service, but is no longer required to operate the facility itself.

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Ombudsman Reports

by Lt. Governor William C. Phelps

The ombudsman receives questions from citizens everyday. We try to give these citizens accurate, helpful answers as quickly as possible. And, we try to keep their questions on file, so if there are any changes in the law, we can let the people know.

For instance, one Kansas City man wrote about his mother's real estate tax refund. His mother kept her property in "joint tenancy". Under joint tenancy, the property is owned by more than one person which permits the survivor to automatically own the property upon the death of one joint tenant. A senior citizen was disqualified for the Senior Citizens Tax Credit because only one of the property holders met the age requirement. Many people find it advantageous to hold property in joint tenancy with family members to avoid the costs of probate proceedings or state inheritance taxes.

"I feel that Mother is entitled to a full tax refund, even though the property is held for convenience only in joint tenancy. I firmly feel that regardless of the joint tenancy, she is entitled to a minimum refund of one-third, in any event."

The man said neither he nor his sister had assisted her (the mother) in the purchase, upkeep or payment of taxes, insurance or other expense in

connection with the property.

At the time, however, the law stated that property held in joint tenancy was not eligible for the senior citizens tax refund.

Citizen complaints of this type led to a review of the law. In 1975 Governor Christopher S. Bond signed into law a bill which allowed the elderly to receive credit on their tax, even if the home was deeded in joint tenancy.

The man wrote again, asking if his mother could get credit for her 1974 real estate tax. However, according to Article I, Section 13 of the Missouri Constitution, no law can be retroactive. The woman could not get credit for her 1974 return, but we sent her information on how to receive her Senior Citizens Tax Credit for 1975.

Additional information on the tax credits can be obtained from the Director of the Department of Revenue, Jefferson State Office Building, Jefferson City, Missouri 65101.

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FOR RELEASE - May, 1976

Ombudsman Reports

by Lt. Governor William C. Phelps

Missouri citizens are sometimes reluctant to exercise their consumer rights. I'm sure many feel it would be a waste of time and that nothing would be accomplished.

Recently, however, the Ombudsman worked on a case involving consumer services, and received very satisfactory results.

The case involved an elderly couple with whom the Ombudsman worked for several months resulting in a payment of the balance of an \$88 claim from an auto club.

This couple was on a vacation when their car broke down in a desert near the small town of Ludlow, California.

The couple walked to Ludlow, and called for a tow truck. There were no garages in Ludlow. So, the couple checked the Emergency Road Service Directory distributed by the auto club. They had their car towed to Barstow, 52 miles away, the nearest auto club station listed in the directory.

But, when the couple arrived in Barstow, the station manager told them that the garage was no longer affiliated with the club. The couple paid for the towing and car repairs and received two separate receipts.

When they returned to Missouri from their trip, they sent the bill for towing to the club. They received a check for \$12.50. The auto club told them that they "Based the reimbursement on the average cost to have rendered the service."

The couple was not satisfied with the reimbursement since they had paid \$88. They contacted the Better Business Bureau, and then the Ombudsman.

"We feel helpless to get any reconciliation in the matter," they wrote. "After years as a member, when the time comes that we need assistance, we find it worthless."

The Ombudsman wrote to the club. The automobile club contended the couple had not met their emergency road service rules. "The club does not offer to take members to any destination they may want to have their car towed," wrote the club's attorney. The automobile club does not offer a service of being towed by a non-member station to a member station.

However, the Ombudsman brought up a NOTE in the rules which provided: "If the truck is not dispatched from a contract station, then the vehicle may be towed from the point of breakdown to the nearest contract station that is open."

The club meant the NOTE to read: "If an auto club truck is dispatched instead of a truck from the contract station...", but this was unclear in the NOTE.

They replied, saying the Ombudsman's interpretation of the NOTE: "is logical (even though it is not the meaning intended.)" They agreed to give the full refund to the couple and to rewrite the NOTE.

Individuals can make a difference. Missouri citizens should be aware, however, that most consumer complaints are not handled by the Ombudsman. The Consumer Protection Division of the Attorney General's Office and the Consumer Affairs, Regulation and Licensing Department are specially designed to handle such complaints.

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FOR RELEASE - JUNE, 1976

Ombudsman Reports

by Lt. Governor William C. Phelps

Recently, a rural Missourian contacted the Ombudsman concerning the Missouri Department of Revenue's assessment of a local city sales tax. The gentleman resides in the rural part of the county and had purchased a late model pick-up from another rural resident.

A problem arose when the Department of Revenue assessed the 3% state sales tax and a 1% city sales tax. The assessment was based on his mailing address which was a rural route of the community's post office.

Neither the seller nor the buyer reside in the city and the location of the sale was not within the city limits. The gentleman had contacted the Department of Revenue but did not understand the explanation and subsequently wrote a letter to the Ombudsman. The citizen wrote, "Looks like to me this is taxation without representation."

The Ombudsman contacted the Department of Revenue's legal counsel who indicated that the location of the residence and not his post office address is the basis for assessing a city sales tax.

In the purchase of a motor vehicle, tax is based on the buyer's residence rather than the location of the seller.

After having sent a Refund Request Affidavit to the citizen, a full refund of the excess 1% tax will be forthcoming.

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